

# Exhibit A

1 THE PEOPLE OF THE STATE OF NEW YORK,  
2 -against- Indict. No. 0621/10  
3 GIGI JORDAN,  
4 Defendant.  
5 -----x  
6 October 1st, 2014  
7 New York, New York  
8 B e f o r e:  
9 HONORABLE CHARLES H. SOLOMON,  
10 Justice, and a Jury.  
11 (Appearances same as previously noted.)  
12 \* \* \* \* \*  
13  
14 (Whereupon, the following proceeding took place on  
15 the record and outside the presence of the jury:)  
16 THE CLERK: Calendar number two, Gigi Jordan.  
17 THE COURT: Case on trial continued.  
18 All parties were present. Ms. Jordan's coming  
19 out. Mr. Brenner is present. People are present.  
20 A COURT OFFICER: They need one more minute.  
21 THE COURT: One more minute.  
22 Mr. Ward is in the back there with Mr. Siegel?  
23 MR. BRENNER: No, he's in the hall on a phone call  
24 that is very important.  
25 MR. BOGDANOS: May we approach for a minute?

1 THE COURT: Yes.

2 (Whereupon, a discussion was held at the bench and  
3 off the record.)

4 THE COURT: Let's bring Ms. Jordan out, please.

5 This is the case on trial. Ms. Jordan's coming  
6 out. Counsel are present. Ms. Jordan is now present.

7 Counsel, what I'd like to do is --

8 MR. BOGDANOS: This doesn't count as closed.

9 THE COURT: Just wait a second.

10 Everyone's present. Mr. Ward is here, correct?

11 MR. BRENNER: Yes, he went out in the hall.

12 THE COURT: What I'd like to do is, we have to  
13 close the courtroom to make a record. We have to close the  
14 courtroom without any spectators in the audience for about  
15 five minutes, about something that has to be done in  
16 private. If everyone can step out for five minutes, please.  
17 Everybody.

18 Mr. Kuby can stay here as part of the defense  
19 team.

20 MR. KUBY: Yes.

21 (Whereupon, the spectators exited the courtroom  
22 and the courtroom was closed, but as per the Court's ruling  
23 after lunch, the courtroom was deemed open.)

24 THE COURT: Let's have an officer outside, please.

25 Let's see if we can close this door.

1 MR. KUBY: Good morning, Judge.

2 THE COURT: Good morning.

3 Mr. Kuby, you will be at counsel table for this  
4 purpose?

5 MR. KUBY: Yes.

6 MR. BRENNER: Yes.

7 THE COURT: Let's make sure no one enters the  
8 courtroom, please, sergeant.

9 The courtroom is closed to spectators.

10 MR. KUBY: Pursuant to what authority, your Honor?

11 THE COURT: My authority.

12 MR. BOGDANOS: Please stop.

13 THE COURT: Mr. Bogdanos wants to make a record  
14 about something that he didn't want to put on the record in  
15 front of the audience or the press. It has to do with Ms.  
16 Jordan.

17 MR. KUBY: I do believe, and again, I'm not  
18 prepared for a closed courtroom, but I do believe that  
19 before the courtroom can be closed, there has -- it has to  
20 be done on a record.

21 THE COURT: Right.

22 MR. KUBY: With specific findings of fact.

23 THE COURT: We're going to make it right now.

24 MR. KUBY: No.

25 THE COURT: We're going to make the record. The

1 record is going to be made outside the public's --

2 MR. KUBY: And the transcript will be released  
3 immediately?

4 THE COURT: The transcript will not be released  
5 immediately. Unless everyone consents to it.

6 MR. KUBY: Judge, again --

7 THE COURT: Mr. Kuby, number one, you can object  
8 all you want. This is your first appearance at the trial  
9 since it started.

10 MR. KUBY: Yes.

11 THE COURT: Something happened that Mr. Bogdanos  
12 wants to place on the record, a very serious problem  
13 concerning Ms. Jordan.

14 MR. KUBY: I don't know what the serious problem  
15 is.

16 MR. BOGDANOS: Because we --

17 THE COURT: Hold on.

18 MR. KUBY: Excuse me, the serious problem --

19 THE COURT: Yes.

20 MR. KUBY: -- can be articulated in an open  
21 courtroom consistent with the Sixth and First Amendments  
22 unless there exists at this point some basis for closing the  
23 courtroom.

24 THE COURT: Okay.

25 MR. KUBY: And no basis currently exists.

1 THE COURT: Mr. Bogdanos.

2 MR. KUBY: That's my objection.

3 THE COURT: That is your objection.

4 Let me hear you.

5 MR. BOGDANOS: Sure. I thought we had a three  
6 lawyer maximum, so I'm just going to proceed.

7 THE COURT: Right.

8 MR. BOGDANOS: Judge, the reason I asked to have  
9 this done in camera on the record in the presence of the  
10 attorney is actually my concern about proceeding with a fair  
11 trial. Your Honor had specifically instructed both parties  
12 to abide by -- both sides -- to abide by the ethical  
13 guidelines concerning publicity during the trial.

14 THE COURT: Right.

15 MR. BOGDANOS: And I think we're all comfortable  
16 with those guidelines. I am not, in any way, suggesting  
17 that any of the defense attorneys have knowledge of what I'm  
18 about to say, but I don't know that they don't know of it.  
19 I just want to make it clear, I'm not accusing anyone of  
20 anything.

21 It was brought to my attention last night that  
22 there is a website page that someone put up called The  
23 Inadmissible Truth. I'm going to hand up to the Court two  
24 copies.

25 THE SERGEANT: (Hanging.)

1 MR. BOGDANOS: And I am going to provide counsel.  
2 I didn't know Mr. Kuby was going to be here. He didn't  
3 inform me of the distinct pleasure, so I don't have enough  
4 or one for him, but here you go.

5 MR. KUBY: I'll use one of my friends'.

6 MR. BOGDANOS: There's three copies there.

7 So, in this, I'm not going to read it into the  
8 record.

9 THE COURT: Right.

10 MR. BOGDANOS: Your Honor can read it.

11 THE COURT: This will be a Court exhibit,  
12 certainly.

13 MR. BOGDANOS: I ask, for the time being, that the  
14 Court exhibit be under seal.

15 THE COURT: It will be.

16 Let me finish reading it first.

17 MR. BOGDANOS: Okay.

18 THE COURT: Go ahead, Mr. Bogdanos.

19 MR. BOGDANOS: Okay. Each of these articles, all  
20 I printed up was the front page, the front web page. Each  
21 of these is a link to another article.

22 THE COURT: Right.

23 MR. BOGDANOS: And, in effect, it accuses, among  
24 others, your Honor of subverting justice in this case.

25 THE COURT: Where's that? Which page is that?

1 MR. BOGDANOS: It's multiple. It's multiple  
2 links, Judge. The only way to do this properly is to go  
3 on-line.

4 And it accuses your Honor of refusing to allow  
5 information to come before the jury, hence, the title of the  
6 website, The Inadmissible Truth. And lest the defendant  
7 disavow any knowledge of this particular website, I have an  
8 e-mail from Ms. Jordan. It was sent out last night,  
9 yesterday --

10 THE COURT: To whom?

11 MR. BOGDANOS: Several hundred e-mail addresses.  
12 Most of them appear to be the media. You could see the  
13 e-mail address. I printed it up in such a way that the  
14 e-mail addresses show.

15 Here's two copies for the Court.

16 THE SERGEANT: (Hanging.)

17 MR. BOGDANOS: And the court attorney, again, I  
18 don't have enough for Mr. Kuby.

19 THE COURT: Yes.

20 MR. KUBY: They're willing to share. They're  
21 good.

22 THE COURT: Right.

23 MR. BOGDANOS: And your Honor will see in the body  
24 of the e-mail itself how Ms. Jordan believes that the  
25 justice system is being stymied on many fronts resulting in



1 the suppression of evidence that anyone would expect to hear  
2 at a fair trial. And then Ms. Jordan goes at length on the  
3 website to explain why it is that this Court is actually --  
4 how this Court is actually doing that.

5 And so, I felt several things, your Honor. I felt  
6 duty-bound to report this to the Court immediately.

7 THE COURT: Right.

8 MR. BOGDANOS: I asked for this -- this may be  
9 viewed by many objective viewers as an act of desperation on  
10 the part of the defendant seeing how the evidence is going  
11 in, and I didn't want the defendant to be prejudiced by bad  
12 judgment and in creating this website and sending out --

13 THE COURT: Let him finish.

14 MR. KUBY: I want to confer.

15 THE COURT: Let him finish. You confer with your  
16 colleagues. Let him finish.

17 MR. KUBY: Continue.

18 MR. BOGDANOS: The reason that I asked that the  
19 courtroom be closed for this, I didn't want a feeding frenzy  
20 that I think we all recognize would ensue from the  
21 defendant's desperate act of going -- trying to go around  
22 the Court's rulings and trying to get into the public domain  
23 matters that this Court has ruled are inadmissible. I  
24 think --

25 THE COURT: I never had this happen before.

1                   Go on, what are you seeking? What are you  
2                   seeking?

3                   MR. BOGDANOS: Well, a new instruction, of course,  
4                   to the jury to make sure they don't look at any media.

5                   THE COURT: Obviously I'm going to say that.

6                   MR. BOGDANOS: And, certainly, I'm so  
7                   uncomfortable saying this, I'd like some assurance that  
8                   nobody on the defense team, and I don't just mean the table,  
9                   I mean --

10                  THE COURT: People in the audience.

11                  MR. BOGDANOS: All the rows of hired people that  
12                  are in the first and second row and throughout the courtroom  
13                  every single day, are not in violation of your Honor's  
14                  ruling and the ethical standards. That's all, Judge. I  
15                  wanted to say that as low key as possible.

16                  THE COURT: What are you asking, an instruction to  
17                  the jury and what else?

18                  MR. BOGDANOS: And, your Honor, get some assurance  
19                  from the defense team that no one in the defense team -- you  
20                  don't get to do directly what you can't do indirectly -- has  
21                  anything to do with this.

22                  THE COURT: Well, this is coming from somewhere,  
23                  isn't it? Do we know where it's coming from? It says from  
24                  Thomas Truth and there is a poetic justice nine-eighty-nine.

25                  Who is that?

1 MR. BOGDANOS: It is a Yahoo e-mail address, and,  
2 as your Honor knows not from prior experience, not  
3 surprisingly, Yahoo doesn't require identification for a  
4 subscriber.

5 THE COURT: Mr. Kuby, you want to be heard?

6 MR. KUBY: Yes, Judge. I very much, and I think I  
7 speak for the entire defense team, appreciate Mr. Bogdanos'  
8 solicitude toward Ms. Jordan in asking that the courtroom be  
9 closed to protect her.

10 After brief consultation, however, with my  
11 colleagues, it is the defense position that the closed  
12 courtroom is not requested by us, is not necessary for us,  
13 is and remains unconstitutional and there is absolutely  
14 nothing in the record that Mr. Bogdanos just made that could  
15 conceivably justify the closure of the courtroom. So,  
16 before I respond to the other points, I would ask that this  
17 constitutional abomination be ended and the spectators and  
18 the press be readmitted to an open court in New York City  
19 and the United States of America.

20 THE COURT: Mr. Bogdanos, you want to be heard on  
21 that point?

22 MR. BOGDANOS: Judge, that does in fact achieve  
23 the defendant's purpose of pre -- during trial getting  
24 publicity about inadmissible matters, and doesn't that,  
25 Judge, in your Honor's estimation, risk a fair trial to

1 both?

2 THE COURT: Let me ask a few questions.

3 MR. BOGDANOS: Sure.

4 MR. KUBY: I'm not done.

5 THE COURT: I know you're not done. We will be  
6 done in a few minutes because I have the jury coming in and  
7 we will proceed.

8 MR. KUBY: I didn't ask for this. They didn't ask  
9 for this.

10 THE COURT: I know.

11 MR. KUBY: So don't get short with me about it.

12 THE COURT: I'm not getting short with anyone.

13 Let me ask you a question: What's in this e-mail  
14 and what's this website? Clearly, to me, what I've seen so  
15 far, it's improper to say these things.

16 MR. KUBY: Improper?

17 THE COURT: Improper.

18 MR. KUBY: For whom?

19 THE COURT: For whom? This is talking about  
20 evidence that is not admitted at trial and --

21 MR. KUBY: For a lawyer --

22 THE COURT: -- and the jury can see.

23 MR. KUBY: For an attorney to do this would  
24 clearly, clearly violate the modern rules of ethical conduct  
25 and --

1 THE COURT: Absolutely.

2 MR. KUBY: -- the disciplinary rules.

3 There is no question whatsoever that an attorney  
4 cannot be involved in producing this or disseminating --

5 THE COURT: No issue.

6 MR. KUBY: There is no disagreement there.

7 THE COURT: Where does it come from?

8 MR. KUBY: I'm sorry, Judge, I'm not an  
9 investigator.

10 THE COURT: Neither am I.

11 MR. KUBY: I'm really not. The prosecutor I know  
12 can get plenty of investigators, and I have no doubt that  
13 even more prosecutorial resources will be spent trying to  
14 figure out how a website got put up, which I have to say,  
15 sounds a bit to me like desperation. With you that's okay.  
16 We can differ on this.

17 THE COURT: Right.

18 MR. KUBY: If you want to talk about the  
19 constitutional right of a defendant, the leading case  
20 happens to be NBC versus Cooperman.

21 THE COURT: I know the law. Please.

22 MR. KUBY: Okay.

23 THE COURT: I do.

24 MR. KUBY: You know what? I didn't know that.

25 THE COURT: Okay.

1 MR. KUBY: I didn't generally know you do know the  
2 law in this area.

3 THE COURT: I know it well.

4 MR. KUBY: Frankly, if you did, the courtroom  
5 would not be closed, sir.

6 THE COURT: That is your opinion. That is your  
7 opinion.

8 MR. KUBY: That is your assertion.

9 MR. BOGDANOS: Objection.

10 THE COURT: Ms. Jordan's counsel can object to  
11 this.

12 MR. KUBY: We have.

13 THE COURT: You have. It's preserved. If she's  
14 convicted, this will be an issue, I imagine, on appeal. I  
15 don't know.

16 MR. BOGDANOS: Judge, I haven't asked for anything  
17 about Ms. Jordan.

18 THE COURT: You asked for the courtroom to be  
19 closed. That's what he's talking about.

20 MR. BOGDANOS: This is simply -- it will be  
21 unethical for any attorney or someone employed by an  
22 attorney --

23 THE COURT: Correct.

24 MR. BOGDANOS: -- to have done this and that's  
25 all. I have been very precise. Mr. Kuby can talk about the

1 defendant only wants. I haven't said a word about any  
2 question of her.

3 MR. KUBY: Okay, noted.

4 THE COURT: Your objection clearly, clearly is  
5 well noted and preserved.

6 I am going to order these minutes, they will be  
7 under seal in the court file so if there is a conviction, an  
8 appellate court can see what I said, can see what you said,  
9 can see what the People said and can see these documents  
10 that were handed to me.

11 MR. KUBY: Alright, let's move on a little bit,  
12 then.

13 THE COURT: I'm going to move on a little bit.

14 MR. KUBY: Number one, you closed the courtroom.

15 THE COURT: I did.

16 MR. KUBY: Fine. The courts have recognized if  
17 there is a specific need to do something in camera and it's  
18 done in camera and it later appears that there was no, you  
19 know, imminent threat to the administration of justice under  
20 the NBC versus Cooperman standard, that the appropriate  
21 thing to do is to unseal the minutes to allow the public and  
22 the press to inspect the minutes.

23 THE COURT: Okay.

24 MR. KUBY: So that is the application that I'm  
25 making now, because it is a continuing constitutional

1 violation.

2 THE COURT: Fine. So you will make an application  
3 to unseal these minutes.

4 MR. KUBY: That's correct.

5 THE COURT: And unseal the exhibits, I will have  
6 two exhibits here, what was given to me. You want that  
7 unsealed as well for the press?

8 MR. KUBY: Sure.

9 THE COURT: Okay.

10 MR. KUBY: I didn't introduce them, Judge.

11 THE COURT: I know you didn't. They came from  
12 somewhere. They came from the D.A.

13 MR. KUBY: They came from Mr. Bogdanos.

14 THE COURT: Right, but he didn't send these  
15 e-mails, Twitters, whatever. I don't know.

16 MR. KUBY: I agree.

17 THE COURT: They came from somewhere.

18 MR. KUBY: It did.

19 THE COURT: It came from somewhere, and again, I'm  
20 not accusing anyone right now of anything.

21 MR. KUBY: Good.

22 THE COURT: But, however, I have a right to make  
23 sure -- make sure that everyone -- that everybody gets a  
24 fair trial.

25 MR. KUBY: Yes.



1 THE COURT: Both sides, and the jury is completely  
2 unaware of this.

3 MR. KUBY: Correct.

4 THE COURT: Then that's what I'm going to do.

5 MR. KUBY: That's right, and that's why you've  
6 been repeatedly instructing the jury not to go on the  
7 Internet.

8 THE COURT: Right.

9 MR. KUBY: And, indeed, Judge, had they chosen to  
10 disregard that instruction and just started Googling Gigi  
11 Jordan, there will be a myriad of things that would never  
12 make it into a courtroom, both from critics and supporters  
13 of Ms. Jordan, completely inadmissible things that are all  
14 over the Internet. That's why you tell them not to do that.

15 THE COURT: You're asking me to unseal --

16 MR. KUBY: Yes.

17 THE COURT: You are going to make a written  
18 application, or is that this?

19 If you want to, you can, I will consider it and  
20 I'll respond before the trial is over.

21 MR. KUBY: I just want to note that the  
22 constitutional violation is continuing every minute that  
23 proceedings such as these are sealed, are closed and the  
24 public is excluded. That's the record on that.

25 Number two, under the disciplinary rules, one of

1 the rights -- one of the very few rights an attorney has in  
2 the course of a trial is to --

3 THE COURT: Is to?

4 MR. KUBY: -- to describe to the news media what  
5 transpired in the courtroom.

6 THE COURT: If it's a public record, right,  
7 minutes.

8 MR. KUBY: No, no.

9 THE COURT: Not their view.

10 MR. KUBY: No, Judge. We can describe the  
11 proceedings that took place.

12 Now, it's true, it is true, that it is done. That  
13 rule was written in contemplation of it being public because  
14 nobody really imagined you doing what it is you're doing.  
15 So, I just want to be clear, are the lawyers prohibited --  
16 the lawyers prohibited from speaking to the news media about  
17 accurately reporting what took place in this closed  
18 courtroom?

19 THE COURT: There's no gag order.

20 MR. KUBY: Okay.

21 THE COURT: Again --

22 MR. KUBY: Thank you.

23 THE COURT: -- as long as everything is done  
24 accurately.

25 I'm not ruling that the lawyers can't speak to the

1 media as long as they abide by the rules that they are under  
2 and which apply to them and every other lawyer.

3 MR. KUBY: Yes.

4 THE COURT: Alright?

5 And, again, I'm going to mark these two exhibits.  
6 What number are we up to?

7 THE CLERK: Five.

8 THE COURT: Number five in Court exhibits. The  
9 Inadmissible Truth will be Court Exhibit Number V.

10 MR. KUBY: Catchy title.

11 THE COURT: The Inadmissible Truth, number five,  
12 mark this, please.

13 And from Thomas Truth, September 30th, which was  
14 yesterday at 4:47 p.m., this e-mail that was sent, subject  
15 Gigi Jordan, Truth.com to all of these people in the media,  
16 must be about fifty people here, a lot of names I recognize,  
17 this will be marked as Court Exhibit Number VI.

18 I just hope this is not going to continue.  
19 Someone's doing this. I don't know who. This is not going  
20 to this. This, I mean that.

21 MR. KUBY: I'm sorry, Judge, I'm not good with  
22 thises and thats. You do not want that website up, is that  
23 what you're saying?

24 THE COURT: Someone is responsible for the  
25 website.

1 MR. KUBY: That's right.

2 THE COURT: In the website they're talking about  
3 the trial.

4 MR. KUBY: That's right.

5 THE COURT: They are talking about rules of  
6 inadmissibility that may not be admissible in front of the  
7 jury.

8 MR. KUBY: Yes.

9 THE COURT: Someone's portraying. It's a caution.  
10 If it's lawyers that -- we have them all here?

11 A COURT OFFICER: No, we're missing one.

12 THE COURT: Yes, Mr. Kuby, as lawyers, obviously  
13 we all agree it's improper to do this.

14 MR. KUBY: Agreed.

15 THE COURT: We all agree. I'm not asking where  
16 it's coming from.

17 MR. KUBY: Right.

18 THE COURT: You don't know where it's coming from.

19 MR. KUBY: Correct.

20 THE COURT: I'm just saying that the content, the  
21 content here is talking about evidence that's not admissible  
22 in front of the jury. They're instructed not to look at  
23 anything.

24 MR. KUBY: Correct.

25 THE COURT: So you're asking that the defense

1 lawyer or any lawyer be allowed to say what happened during  
2 this closed courtroom proceeding?

3 MR. KUBY: Yes.

4 THE COURT: That is -- I don't have a problem.  
5 There is no gag order as long as, as long as, it's an  
6 accurate description of what's taking place.

7 MR. KUBY: Right.

8 THE COURT: I have no problem with that.

9 And the minutes will be sealed. You can make a  
10 written application, if you wish, and I'll rule on it. I  
11 will hear Mr. Bogdanos. If I'm persuaded you're correct,  
12 I'll unseal the minutes.

13 MR. KUBY: That's fine. What got me, Judge, was  
14 the this will stop. I didn't know what the this is. If  
15 you're saying that the website that you have some sort of  
16 plenary control over what is put on the Internet regarding  
17 this case, I respectfully disagree in the absence, in the  
18 absence, of the general law regarding prior restraints on  
19 speech.

20 THE COURT: Do I have a right to ask where it's  
21 coming from?

22 MR. KUBY: You can ask.

23 THE COURT: Right.

24 MR. KUBY: I mean, look, you have the same right  
25 to make an inquiry that anybody else has.

1 THE COURT: Let's suppose -- I'm not going --

2 I am not an investigator. Let's suppose we find  
3 out that this is coming from someone the defense hired.

4 MR. KUBY: The defense.

5 THE COURT: The defense hired, not the lawyers.

6 MR. KUBY: Let's make a hypothetical which is not  
7 true.

8 THE COURT: Okay.

9 MR. KUBY: I have a paralegal in my office which I  
10 don't.

11 THE COURT: Right.

12 MR. KUBY: And she has put up this website.

13 THE COURT: Right.

14 MR. KUBY: Okay?

15 THE COURT: Okay.

16 MR. KUBY: I'm in deep trouble.

17 THE COURT: No, you're not.

18 MR. KUBY: No, I am.

19 THE COURT: It's not you doing it.

20 MR. KUBY: If she's working under my auspices --

21 THE COURT: I am not talking about the lawyer.  
22 I'm talking about someone who is not a lawyer.

23 MR. KUBY: Right.

24 THE COURT: Who's hired by the defense to do this.  
25 I'd like to find out how, if that in fact is true, and, if

1       so, who the person is.

2               MR. KUBY:   Okay.

3               THE COURT:   I just want to make a record.

4               MR. KUBY:   You know, when you asked the question,  
5       and you have every right to ask the question, and we have  
6       every right to answer it.

7               THE COURT:   Right.

8               MR. KUBY:   Or not.

9               THE COURT:   Absolutely.

10              Mr. Bogdanos can investigate.  I'm not asking the  
11     defense to do anything or say anything.

12              MR. KUBY:   And, again, we know that the D.A.'s  
13     Office has vast resources and have devoted vast resources in  
14     this case and I'm sure no turn will be left unstoned.

15              THE COURT:   No stone will be left unturned.

16              MR. BOGDANOS:  Is this fruitful?

17              THE COURT:   Mr. Kuby --

18              MR. BOGDANOS:  Is the last ten minutes fruitful?

19              THE COURT:   Please, everyone, everyone.

20              MR. KUBY:   I'm going -- I'm done.

21              THE COURT:   The record is made, the objection is  
22     made, the issue is preserved for appellate review.  I will  
23     have any other further applications about this topic in  
24     writing, okay?

25              MR. KUBY:   From both sides.

1 THE COURT: Both sides, absolutely.

2 MR. KUBY: Okay, look, nice to see you again.

3 THE COURT: Nice to see you.

4 MR. KUBY: And everybody else.

5 THE COURT: I will take a copy of these minutes.

6 They will be placed in the court file for the time being

7 under seal.

8 The jury, I understand, is all here. So, counsel,

9 when we're ready.

10 Do we have Dr. Spitz in the witness room?

11 MR. BRENNER: I will go check.

12 THE COURT: Why don't you go check?

13 THE SERGEANT: Reopen the courtroom, Judge?

14 THE COURT: Yes, reopen the courtroom, sorry.

15 MR. WARD: Judge, you want to have Dr. Spitz in

16 the seat before the jury comes in?

17 THE COURT: No, right at the door because I want

18 to talk to the jurors.

19 We're back on the record and Ms. Jordan is

20 present. All parties are present.

21 If these gentlemen want to take a photograph, I

22 use the term very loosely...

23 (Whereupon, photographs were taken.)

24 THE COURT: Counsel, on the record, please, I

25 would like the jury, the jurors, are all here, to be brought